

REMARKS

Double Patenting Claim Rejections

The double patenting rejection of claims 1 to 19 and 26 to 57 under the judicially created doctrine of obviousness-type double patenting as unpatentable over claims 1-15 of U.S. Patent No. 6,110,922 ("922 patent") was maintained. Office action at 3. In the response dated July 10, 2003, Applicants pointed out that the '922 patent is now in reissue as Application No. 10/356,794, filed August 29, 2002 (the "reissue application"). Therefore, a terminal disclaimer is currently not applicable because the present application and the reissue application are currently co-pending. See M.P.E.P. § 804(I)(B). Applicants request that this rejection, as it relates to the claims under consideration, be made provisional and held in abeyance until allowable subject matter is indicated in either this application or the reissue application.

The rejection of claims 1 to 19 and 26 to 57 under the judicially created doctrine of obviousness-type double patenting as unpatentable over claims 1 to 19, 26 to 31, 34 to 45, and 47 to 57 of co-pending Application No. 09/695,040 was also maintained. *Id.*, at 3. Applicants request that this provisional rejection, as it relates to the claims under consideration, be held in abeyance until allowable subject matter is indicated.

Claims 1, 19, and 20 to 22 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 15 to 19, 21 to 23, 26, and 28 of the co-pending reissue application No. 10/356,794. Office action at 4. Applicants request that this provisional rejection be held in abeyance until allowable subject matter is indicated in either this application or in the reissue application.

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNN LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com